

RESPONSE

Applicant submits this Response to the Office Action mailed March 4, 2005.

In the Office Action, claims 1-8 have been rejected as being obvious and unpatentable over Landvik alone. Claims 9-13 have been rejected as being obvious and unpatentable over Landvik in view of Weinstock. Claim 14 is objected to as being dependant from a rejected base claim.

Applicant believes that there is a fundamental misunderstanding of the technology and the language of the claims that is an essential basis for the rejection. The Examiner states that Landvik discloses a reticulated viscoelastic foam. Applicant believes that Landvik nowhere discloses or teaches a reticulated viscoelastic foam. For at least this reason, Applicant believes that the claims are nonobvious in view of the Landvik reference and that they are in condition for allowance.

In the present application on page 4, Applicant describes what "reticulated viscoelastic foam" is. This is not a special or unique definition except to the extent that it is common knowledge to those of skill in the field of foam manufacture. In this context, "reticulation is a means by which the thin window membranes are removed from a foam to create an open cell structure that is opened to air and moisture flow". Therefore, reticulated viscoelastic foam is different from conventional viscoelastic foam that is made up of closed cells.

In use, the requirement that the claimed viscoelastic foam be reticulated is important, because the reticulation allows breathability and air circulation through the foam. The Examiner is referred to the Table on page 13 that quantitatively demonstrates a significant airflow difference between a reticulated and a non-reticulated foam. Please note that the table incorrectly identifies the non-reticulated versus reticulated samples. This typographical error is addressed in the foregoing Amendment.

In addition to the table, the Examiner is also referred to the description in the

application of an example of the reticulation process. This process demonstrates the significant physical change brought about by the process of reticulation.

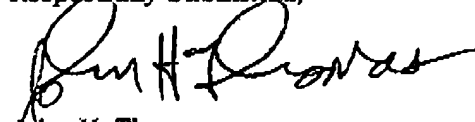
Nowhere is reticulated viscoelastic foam mentioned or taught in Landvik. The only mention of reticulation in Landvik is with respect to conventional polyurethane foam. This reference in Landvik actually teaches away from reticulated viscoelastic foam, because, for example, thin layers of reticulated polyurethane foam are attached to each side of a conventional viscoelastic foam for air permeability. (Landvik, col. 3, lines 6-11). Clearly, the problem of lack of air permeability with viscoelastic foam is acknowledged in Landvik. Therefore, Landvik is an example of the prior art problem with respect to a lack of breathability of viscoelastic foam. Landvik explicitly teaches away from the present invention.

Also, although not necessary in view of the foregoing arguments, Applicant notes that Examiner has rejected claims 2 and 3 on the identical basis. In the application, "layers" are explicitly distinguished from "zones" on at least page 13 and accompanying drawings. Landvik discloses only layers and not zones. Applicant submits that the Examiner cannot reject both claims on the basis of the same reference to Landvik. The Landvik components (5,6,7) cannot by definition be layers and zones.

For any one or more of the foregoing reasons, Applicant submits that the present application is in condition for allowance. Favorable action is requested hereon.

The Commissioner is hereby authorized to charge any deficiencies in payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-2127.

Respectfully Submitted,



John H. Thomas
Attorney/Agent for Applicant(s)
Reg. No. 33,460

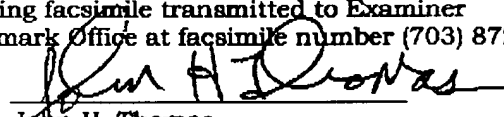
Dated: April 13, 2005

John H. Thomas, P.C.
536 Granite Avenue
Richmond, Virginia 23226

Tel. 804 344 8130

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to Examiner Fredrick C. Conley at the Patent and Trademark Office at facsimile number (703) 872-9306, on the date shown below.



John H. Thomas

Date: April 13, 2005